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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/303,360	04/29/1999	DANIEL V. PETERS	6791.40	8253

26890 7590 07/30/2002

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/30/2002

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 13

Application Number: 09/303,360

Filing Date: 4/29/1999

Appellant(s): Daniel V. Peters

Bruce J Bowman

For Appellant

Art Unit: 2685

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/20-02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

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(7) Grouping of Claims

The rejection of claims 1-10 and 12-17 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

✓ 5,339,352

ARMSTRONG

8-1994

✓ 4,890,315

BENDIXEN

12-1989

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-6, 9 and 10 are rejected under 35 U.S.C. 103(a). Claims 7, 8 and 12-17 are rejected under 35 U.S.C. 102(b). This rejection is set forth in prior Office Action, Paper No. 9.

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(11) Response to Argument

Regarding the first group of claims, that is, claims 7, 8 and 12-17, rejected as anticipated by Bendixen under 35 USC 102(b),

The examiner disagrees with appellant's assertion that Bendixen does not anticipate appellant's claim 7. As evidence, appellant states that the Examiner has relied upon the network of Bendixen as the phone system controller, and element "J3" of Bendixen as the telephone line of claim 7. However, an analysis of the prior rejection of claim 7 shows that the Examiner does not rely on element J3 as the telephone line, but rather, as stated in PTO Paper #9, "a called party's line". This is because Bendixen teaches an interface wired to a traditional telephone which wirelessly connects to a network (phone system controller), said controller being connected to another telephone, via a telephone wire. Element J3 of Bendixen is a telephone line on the side of the telephone interface, or, as taught by Bendixen in the example used in the rejection of claim 7, the calling side. Since claim 7 recites that the interface, elements 60, 62, 66 of FIG 3, is "coupled between" the first handset (the calling handset 68) and the telephone line (the called party's line connected to the land-line phone network), the fact that the interface is coupled either by wire or wireless-wired connection to both the handset and the telephone line is read by the Examiner as "coupled". While the appellant argues that claim 7 requires that the phone system controller be coupled to the same telephone line as the interface, such a coupling as read by the examiner is sufficient to read on such a limitation.

Further, even given an interpretation as assumed by the appellant, that is to say, if the Examiner did indeed rely on element J3 of Bendixen as the telephone line in question, such an interpretation would still anticipate the present invention, as the interface, as shown in FIG 3, is coupled between line J3 and the

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handset, and, given the examiner's interpretation of "coupled", is coupled to the phone system controller (wirelessly coupled to the network via the radio device 62).

Regarding claims 8 and 12, the Examiner relies on the previous office action which sets forth the reasons why claims 8 and 12 are further anticipated by Bendixen, which teaches the use of audio signals and control signals.

Regarding claim 13, the Examiner uses the same arguments as utilized in the discussion regarding claim 7 above. That is, that Bendixen's method of connecting a handset to a land-line telephone line through an adaptor box and a phone system network controller couples the handset to the line.

Regarding claims 14-17, the Examiner relies on the previous office action which sets forth the reasons why claims 8 and 12 are further anticipated by Bendixen, which teaches the application of signals to the line, which is inherent in Bendixen, audio and dialing signals, which is explicitly taught by Bendixen, and coupling of a signal to the calling party.

Regarding the second group of claims, that is, claims 1-6, rejected as unpatentable over Bendixen under 35 USC 103(a),

The examiner disagrees with appellant's assertion that Bendixen does not render unpatentable appellant's claim 1. Regarding claim 1, the appellant utilizes the same arguments versus Bendixen which were used against claim 7. As such, the Examiner relies upon the same statements in support of the rejection of claim 7 in regards to claim 1; this is because claim 1 is very similar to claim 7, save an additional limitation stating that the wireless interface is in a housing. This portion of the rejection, however, is not challenged by the appellant. Further, the appellant asserts that Bendixen does not teach carrying wireless control signals between the interface and controller, because the controller of Bendixen is

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a remote land-line network controller. However, the fact that the network of Bendixen is a remote system does not imply that the invention of Bendixen is inapplicable to claim 1, since claim 1 does not specifically state that the phone system controller is not a remote system.

Regarding claims 2-6, claims 2-6 are argued by the appellant based only on claim 1, the defense of which is set forth above.

Regarding the third group of claims, that is, claim 9, rejected as unpatentable over Bendixen in view of Armstrong under 35 USC 103(a),

The examiner disagrees with appellant's assertion that Bendixen does not render obvious appellant's claim 9. As evidence, the appellant relies on arguments stated regarding claim 7, to which the Examiner has responded above. Further, the Examiner disagrees with the assertion that Armstrong does not render obvious claim 9 when combined with Bendixen, since, as set forth in the rejection of record, Armstrong discloses the utility of providing directory assistance, in which calls are processed in order to dial them as set forth in claim 9; the addition of such a popular and notoriously well-known feature to Bendixen would, in the Examiner's opinion, have been obvious to one of ordinary skill in the art at the time of the invention as such.

Regarding the fourth group of claims, that is, claim 10, rejected as unpatentable over Bendixen under 35 USC 103(a),

The examiner disagrees with appellant's assertion that Bendixen does not render obvious appellant's claim 10. As evidence, the appellant relies on arguments stated regarding claim 7, to which the Examiner has responded above, and further states that the addition of a second interface for other handsets would not have been obvious for the same reasons that a first interface is not taught by Bendixen. Given

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that the Examiner has established above with regards to claim 7 that such is taught by Bendixen,
appellant's further argument towards claim 10 is rendered moot.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Charles R Craver

**CHARLES CRAVER
PATENT EXAMINER**

cc


7/24/02
~~December 6, 2001~~

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